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August 30, 1999

RECEIVED

OUR FILE NO.
1760-101-63

AUG 30 1999

Magalie R. Salas, Secretary
Federal Communications Commission
445 Twelfth Street, SW, Room TW-A325
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

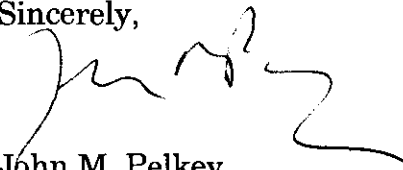
RE: Amendment of Section 73.202(b)
Elberton and Lavonia, GA

Dear Ms. Salas:

On August 26, 1999, this office submitted a Petition for Rulemaking dealing with Elberton and Lavonia, Georgia. Omitted from the Commission's copies of the Petition for Rulemaking was the referenced engineering statement. As a result, I am forwarding herewith five copies of the Petition for Rulemaking and the engineering statement referenced in the Petition.

I apologize for any inconvenience that this oversight may have caused. If there are any questions concerning this submission, please contact the undersigned directly.

Sincerely,



John M. Pelkey

Enclosures (5)
JMP/blr

No. of Copies rec'd 0+4
List ABCDE
NMB

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Amendment of Section 73.202(b)
Elberton and Lavonia, GA

Dear Ms. Salas:

Transmitted herewith on behalf of Radio Elberton, Inc., are an original and four copies of a Petition for Rulemaking.

No filing fee need accompany this petition.

If there are any questions concerning this matter, please contact this office directly.

Sincerely,


John M. Pelkey

Enclosures (5)
JMP/blr

Before The
Federal Communications Commission
Washington, D.C. 20554

In The Matter Of)

Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
Elberton and Lavonia, GA)

Docket No.

RECEIVED

AUG 30 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch

PETITION FOR RULEMAKING

Radio Elberton, Inc. ("Radio Elberton"), licensee of WWRK-FM, Elberton, Georgia, hereby requests that the Commission institute a rulemaking proceeding to amend Section 73.202(b) of the Commission's Rules, the Table of FM Allotments, by deleting Channel 221A from Elberton, Georgia, and allotting Channel 221A to Lavonia, Georgia, as that community's first local aural service. In support thereof, the following is stated:

Radio Elberton is the licensee of WWRK-FM. WWRK-FM's community of license is Elberton, Georgia. Radio Elberton seeks to change WWRK-FM's community of license from Elberton, Georgia, to Lavonia, Georgia, because Elberton is already receiving service from WWRK(AM), which operates on 1400 kHz, and WEHR(FM), a Class A station operating on Channel 286, whereas Lavonia has no source of local programming.

Lavonia is an incorporated community with a population of 1,840 persons. It has businesses, churches, clubs and other characteristics of towns and communities that have radio allotments. It has no radio allotment, however, and this proposal seeks to remedy that deficiency.

Radio Elberton has determined that Channel 221A can be allotted to Lavonia as its first local aural service. An engineering study of the proposed allocation demonstrating compliance of the proposal with the technical standards for allocating a new channel is included with this Petition. The proposed allocation reference coordinates of North Latitude 34° 27' 26" and West Longitude 83° 14' 27" meet all Section 73.207 spacing requirements. From the proposed reference coordinates, the proposed facility would place a 70 dbu citygrade contour over all of Lavonia and thus would comply with Section 73.315(a) of the Commission's rules.

The proposal set forth in this Petition is consistent with the procedures authorized in *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870(1989), as modified by *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 5 FCC Rcd 7094 (1990). Allotting Channel 221A to Lavonia would permit Lavonia to

receive its first local aural service, thereby serving the highest of the Commission's existing allocation priorities: "[T]here are virtually no populated areas of the country where our higher allotment priorities, such as first reception service, have not been attained. Therefore, as a practical matter, provision of first local service is the highest of our allotment priorities which remains in any significant degree unsatisfied." 5 FCC Rcd at 7096 (¶ 16). Moreover, deletion of Channel 22 1A from Elberton will not leave Elberton without a local aural service inasmuch as that community receives service from one AM and one other FM station.

In addition, the proposal would permit a significant increase in the number of persons who are able to receive WWRK-FM. Currently, the station serves 21,488 persons and has a 60 dbu contour that encompasses 1,731.8 square miles. The proposed new Lavonia station would serve 60,810 persons within its 60 dbu contour, a 183 percent increase, and more than 2,500 square kilometers would be encompassed within that contour, which represents a coverage increase of 44 percent¹

Moreover, in permitting the reallocation of Channel 22 1A from Elberton to Lavonia, the Commission would not be depriving inhabitants

¹ The improvement in coverage is largely due to the fact that the station is limited to operation with less than full Class A facilities because of spacing considerations.

of the current WWRK-FM service area of service. As is demonstrated in the attached engineering statement, the proposed loss area is served by eight AM stations and several FM stations other than WWRK-FM. As a result, the loss area is well served and the creation of that loss area does not adversely affect the public interest.

If the Commission amends the FM Table of Allotments as requested herein, Radio Elberton, Inc., will promptly file an application to modify the WWRK-FM facilities to specify operation on Channel 221A at Lavonia and will promptly construct the requested facilities upon grant of the application.

Conclusion

For the reasons stated above, the public interest will be served by the allotment of Channel 221A to Lavonia, Georgia, as that community's first local aural service. Accordingly, Radio Elberton, Inc.,

respectfully requests that the Commission institute a rulemaking proceeding that would amend the FM Table of Allotments as follows:

City	Present Allotment	Proposed Allotment
Elberton, GA	221A, 286A	286A
Lavonia, GA	---	221A

Respectfully submitted,

Radio Elberton, Inc.

By:



John M. Pelkey
Its Attorney

HALEY BADER & POTTS P.L.C.
Suite 900
4350 North Fairfax Drive
Arlington, VA 22203-1633
703/841-0606
August 26, 1999

Request For Rule Making
on behalf of
Radio Elberton, Inc.
to add Channel 221A to
Lavonia, Georgia
August 1999

This Request for Rule Making is filed on behalf of Radio Elberton, Inc (hereinafter referred to as "REI"). REI is the licensee of WWRK, Elberton, Georgia which operates on Channel 221A with 3 KW from 91 meters HAAT. The current station serves 21,488 persons in 1,731.8 square KM.

The current REI site does not meet the spacing requirements of §73.207 but rather operates under §73.213. There are grandfathered short spaces to WJES, Saluda, SC and WMOQ, Bostwick, GA. Although REI would like to increase power to class maximum, presently it is impossible to do that at the current site. Elberton, Georgia is currently served by two other fulltime audio services. WWRK-AM, 1400, 1 KW and WEHR(FM), 286A 6 KW ERP.

REI now seeks to allot Channel 221A to Lavonia, Georgia as the first service allocated to that community, modify the license of WWRK-FM to specify Lavonia as the station's new community of license and have the present allocation of Channel 221A to Elberton, GA deleted. The proposed allocation reference of North Latitude 34° 27' 26" and West Longitude 83° 14' 27" meets all §73.207 spacing requirements (See Exhibit #1¹). From this location the proposed 70 dBu city grade contours covers 100% of Lavonia, the proposed city of license (See Exhibit #2). From the proposed Lavonia reference location

¹ All §73.207 spacing are satisfied with the exception of spacing to Application BPED-990630MB at Pendergrass, Georgia.

the new station can utilize class maximum power and height. This is a welcomed increase over the current 3 kW grandfathered power at Elberton.

The proposed new Lavonia station will serve 63,810 persons in Georgia and South Carolina within the projected 60 dBu contour and cover 2,511.3 square KM within the same 60 dBu contour.

Lavonia is an incorporated community in Franklin County, Georgia. The 1990 Census reports Lavonia with a population of 1,840 persons. Lavonia has businesses, churches, clubs and other characteristics of towns and communities that have radio allotments. Lavonia is not in an urbanized area. Interstate Highway 85 brings additional commerce to Lavonia.

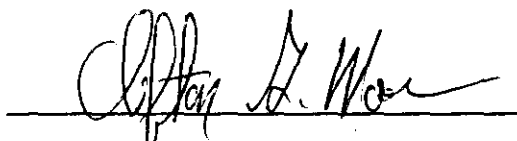
There is no overlap of the 60 dBu contour of the proposed Lavonia allotment and WWRK-FM, Elberton. Therefore the complete 60 dBu WWRK contour is technically loss area. This total loss area however is served by five or more broadcast services and is thought to be well-served even after Channel 221A is allocated at Lavonia.

The following table summarizes the requested changes of the Table Of Allotments:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Elberton, GA	221A, 286A	286A
Lavonia, GA	None	221A

When allocated, REI will file the requisite FCC Form 301 to apply for the new facility.

All information contained herein is thought to be true and correct to the knowledge of the undersigned.

A handwritten signature in black ink, appearing to read "Clifton G. Moor", is written over a horizontal line.

August 17, 1999

Clifton G. Moor
Bromo Communications, Inc.
Consultant to Radio Elberton, Inc.

BROMO COMMUNICATIONS INC.
Broadcast Technical Consultants

Searching At Allocation Reference
Lavonia Georgia

REFERENCE
34 27 26 N
83 14 27 W

CLASS = A
Current Spacings

DISPLAY DATES
DATA 07-30-99
SEARCH 08-13-99

----- Channel 221 - 92.1 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
WWRKFM LI	221A	Elberton	GA	55.88	148.2	115.0	-59.12
AP220 AP	220A	Pendergrass	GA	45.96	234.4	72.0	-26.04
WESCFM LI	223C	Greenville	SC	95.12	37.2	95.0	0.12
WMOQ LI	222A	Bostwick	GA	83.80	200.5	72.0	11.80
WUOT LI	220C	Knoxville	TN	183.15	340.0	165.0	18.15
WMJE LI	275C3	Clarkesville	GA	36.80	274.9	12.0	24.80
WJESFM LI	221A	Saluda	SC	141.75	108.4	115.0	26.75
WUGA LI	219A	Athens	GA	59.56	180.5	31.0	28.56
WJGAFM LI	221A	Jackson	GA	147.12	207.2	115.0	32.12
WWEVFM LI	218C2	Cumming	GA	88.03	254.1	55.0	33.03
WDEFFM LI	222C	Chattanooga	TN	204.90	292.2	165.0	39.90
WTBIFM LI	219A	Greenville	SC	83.63	60.0	31.0	52.63
WCLK LI	220A	Atlanta	GA	133.25	234.1	72.0	61.25
WAEG LI	222A	Evans	GA	133.96	135.7	72.0	61.96
WPEHFM LI	221A	Louisville	GA	178.40	153.7	115.0	63.40

ALLOCATION SUTDY

Exhibit #1
Request For Rule Making
on behalf of
Radio Elberton, Inc.
to add Channel 221A to
Lavonia, Georgia
August 1999

BROMO BROADCAST
COMMUNICATIONS TECHNICAL CONSULTANTS

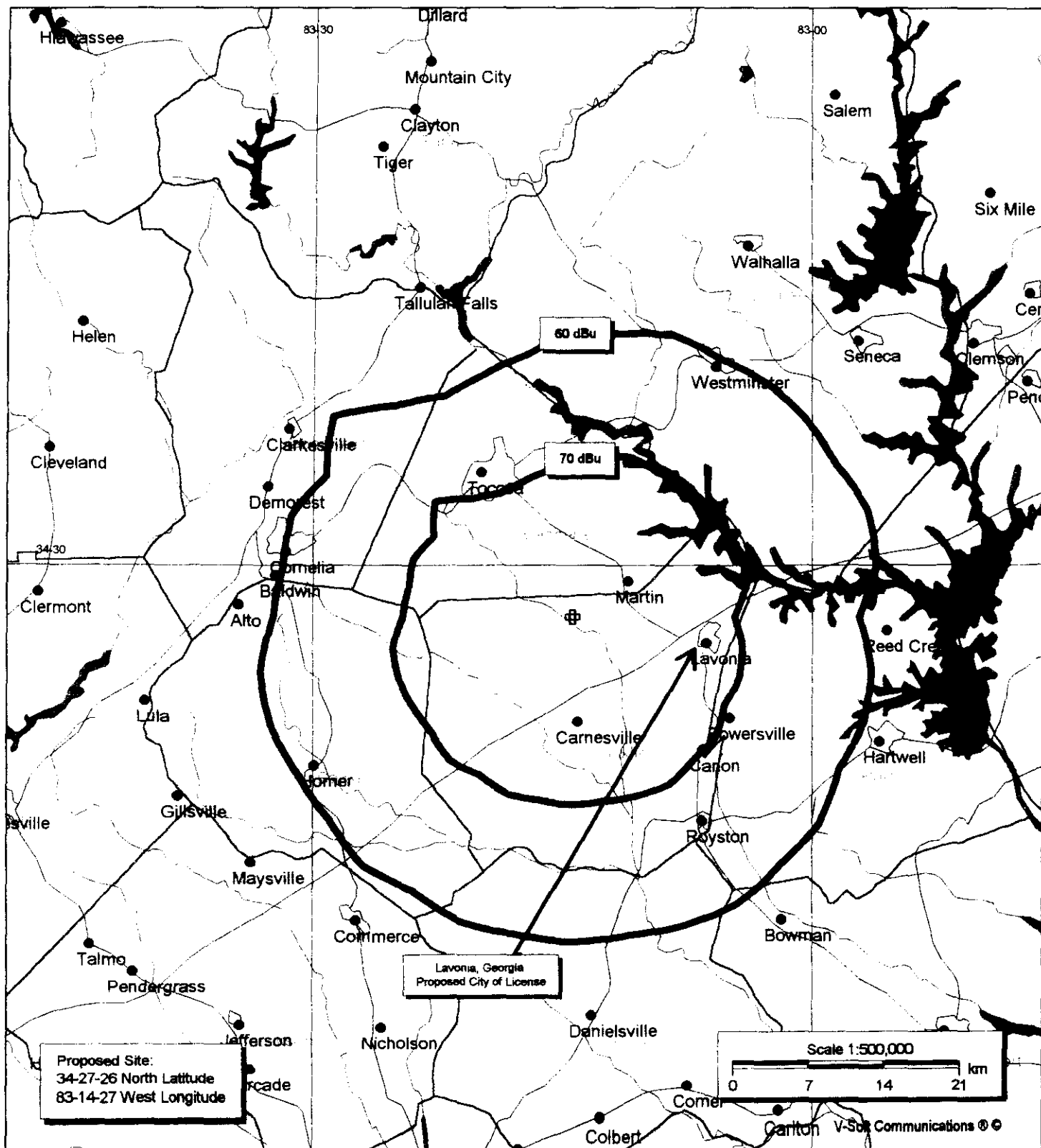


EXHIBIT #2
CONTOURS FROM ALLOCATION REFERENCE
Request For Rule Making
on behalf of Radio Elberton, Inc.
to add Channel 221A to
Lavonia, Georgia

Bromo Communications, Inc.
Atlanta, Georgia
August 1999

**Request For Rule Making
on behalf of
Radio Elberton, Inc.
to add Channel 221A to
Lavonia, Georgia
August 1999**

**EXHIBIT #3
Services To Loss Area**

A study was conducted to determine the broadcast services received in the area created by WWRK-FM changing cities of license to Lavonia, Georgia. Exhibit #3A illustrates AM broadcast stations that provide a 0.5 mV/m contour over the entire rural loss area. Those stations are:

WWRK-AM	Elberton, GA
WRFC(AM)	Athens, GA
WDUN(AM)	Gainesville, GA
WBKZ(AM)	Jefferson, GA
WESC(AM)	Greenville, SC
WRIX(AM)	Homeland Park, SC
WKLY(AM)	Hartwell, GA
WBIC(AM)	Royston, GA

Exhibit 3A (1) indicates some of the FM services to the entire loss area. The present WNGC(FM)² covers the entire loss area. Three additional stations: WPEK, WEHR and WGMG serve the entire loss area with a 60 dBu or greater signal when their contours are combined. The tabulation of FM stations serving all or part of the loss area is:

WNGC(FM)	Athens, GA
WEHR(FM)	Elberton, GA
WGMG(FM)	Crawford, GA
WPEK(FM)	Seneca, SC

² WNGC currently holds Construction Permit BPH-971229IE to relocate sites and downgrade to Class C1. If this permit is constructed, service to the REI loss area will be reduced from the present WNGC licensed facility.

Additionally that portion of the loss area that is in the City of Elberton (a city larger than 2,500 persons) is calculated utilizing 2.0 mV/m AM contours (See Exhibit #3B). The City of Elberton is depicted in yellow. The following services serve the City of Elberton with 2.0 mV/m AM or 60 dBu FM service:

WRIX(AM)	Homeland Park, SC
WJMZ(FM)	Anderson, SC
WPEK(FM)	Seneca, SC
WWRK-AM	Elberton, GA
WPUP(FM)	Royston, GA
WEHR(FM)	Elberton, GA
WNGC(FM)	Athens, GA

In each case, whether city or rural, there are five or more broadcast services covering the area. The AM primary signal level is defined in §73.182.

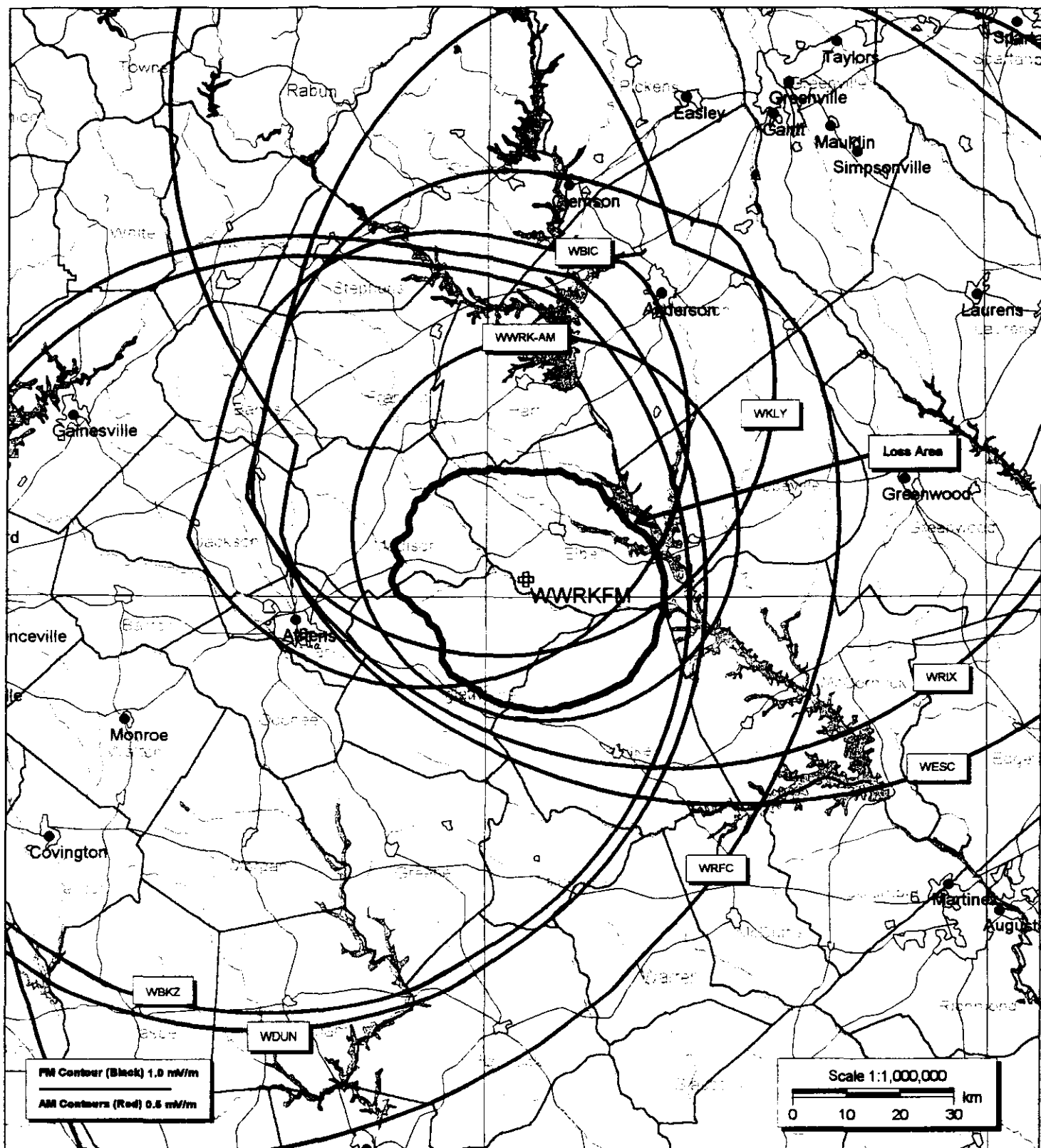


EXHIBIT #3A
AM SERVICE TO LOSS AREA
Request For Rule Making
on behalf of Radio Elberton, Inc.
to add Channel 221A to
Lavonia, Georgia

Bromo Communications, Inc.
Atlanta, Georgia
August 1999

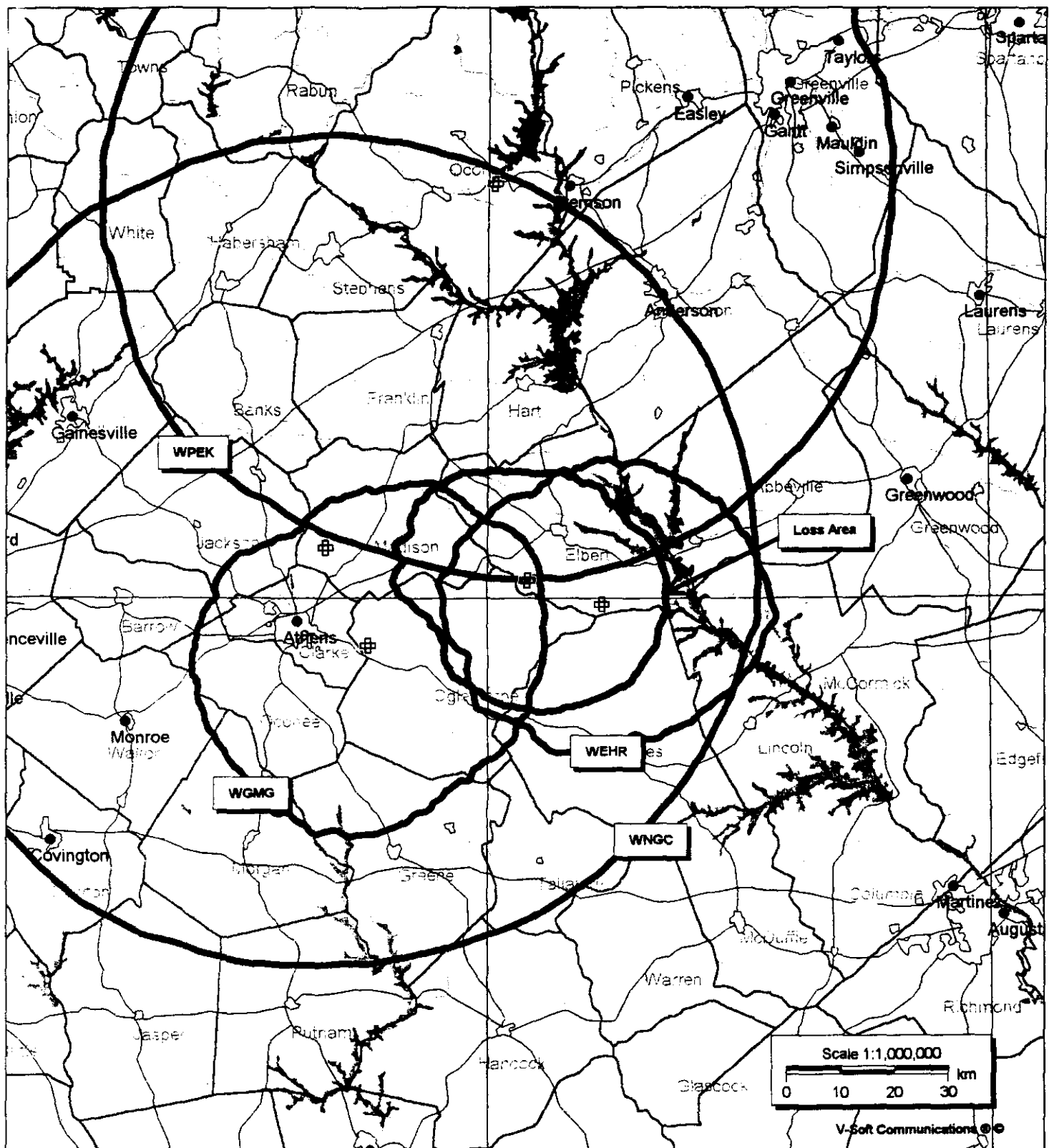


EXHIBIT #3A (1)
PARTIAL FM SERVICE TO LOSS AREA
Request For Rule Making
of behalf of Radio Elberton, Inc.
to add Channel 221A to
Lavonia, Georgia

Bromo Communications, Inc.
Atlanta, Georgia
August 1999

